REMARKS

Claim Changes

Claim 1 is amended to incorporate the subject matter of claims 3, 5, and 6; claims 3, 5, and 6 are canceled.

Claims 4, 11, 12 are amended to have proper antecedent basis in light of currently amended claim 1.

Claim 7 is amended to clarify and simplify the language in light of currently amended claim 1.

Claim 14 is amended to recite "a receiver… for receiving a time out message comprising a time of day value and an expiration time of day value… a processor… for calculating a current time of day based on the time of day value and a local clock of a client device; code operable for enforcing a rule… if a time out message is not received prior to the expiration time of day value indicated by the previous time out message." These changes are based at least on the description on page 9, paragraph [0038] and page 6, paragraph [0026] of the specification as filed. Thus, no new matter is added.

Claim 15 is amended to incorporate the subject matter of claims 21; claim 21 is canceled.

Claim 23 is amended to recite "a receiver for… receiving a first time message comprising a system time of day value and an expiration time of day value… code operable for calculating a current time of day based on the system time of day value and a local clock of a client device; code operable for comparing said current time of day to the expiration time of day value." These changes are based at least on the

description on page 9, paragraph [0038] and page 6, paragraph [0026] of the specification as filed. Thus, no new matter is added.

Rejection of claims 1-23 under 35 U.S.C. § 102(e) as being anticipated US 2003/0028652 A1 (Bardini)

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, *IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3d 1377, 1380 (Fed. Cir. June 2006) "a claim is anticipated under 35 U.S.C. § 102 'if each and every limitation is found either expressly or inherently in a single prior art reference'" citing, *Bristol-Myers Squibb Co. v. Ben Venue Labs, Inc.*, 246 F.3d 1368, 1374 (Fed. Cir. 2001). See also, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986); *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983).

Applicant respectfully submits that Bardini does not anticipate, either expressly or inherently, each and every element as set forth in amended independent claims 1, 14, 15, and 23. For example, independent claim 1 recites "receiving… first time out message comprises a system time of day value and a time out limit indicating a time of day value." Independent claim 15 recites "receiving… first time message comprising a system time of day value and an expiration time of day value." Independent claims 14 and 23 as amended recite "receiving a time out message comprising a time of day value and an expiration time of day value." Further, independent claims 1, 14, 15, and 23 as amended recite "calculating a current time of day based on the time of day value and local clock of a client." The above claims as a whole are not anticipated either expressly or inherently, in Bardini.

Bardini is directed to a technology for invalidating digital content after an expired time frame. The technology is implemented by comparing an embedded time with a global time. An expiration time (embedded time) and requested digital data are encrypted and downloaded from a content provider and stored on a media storage device. The expiration time indicates a time at which the digital data will be made invalid. The media storage device obtains a current global time from a secure clock and compares the secure time to the expiration time. The secure clock is different that a local clock (PC-based clock). Once the expiration time elapses, the media storage device invalidates the digital data. See Bardini, paragraphs [001, 0013, and 0042].

However, Bardini fails to disclose receiving… a time out message comprising a system time of day value and an expiration time of day value/time out limit," as recited by amended claim 1, for example. At most, Bardini discloses downloading an expiration time and requested digital data from a content provider. See Bardini, paragraph [0013]. Bardini does not disclose receiving a time message comprising a global time and the expiration time.

Additionally, Bardini fails to disclose Applicant's feature of "calculating a current time of day based on the time of day value and local clock of a client." At most, Bardini discloses downloading an expiration time from a content provider and later obtaining a current global time from a secure clock, where the secure clock is different from a local (PC-based) clock. See Bardini, paragraphs [0013] and [0042]. Bardini does not disclose calculating a current time based on current global time and a local clock of the media storage device.

In view of the foregoing, Applicant respectfully submits that Bardini does not disclose "receiving… a time message comprising a time of day value and an expiration time of day value/time out limit" and "calculating a current time of day

11

based on the time of day value and local clock of a client." Applicant therefore submits that claims 1, 14, 15, and 23 are not anticipated by Bardini, and therefore the rejection of claims 1, 14, 15, and 23 under 35 USC 102(e) should be withdrawn. Applicant requests that claims 1, 14, 15, and 23 may now be passed to allowance.

Dependent claims 2, 4, and 7-13 depend from, and include all the limitations of independent claim 1. Dependent claims 16-20 and 22 depend from, and include all the limitations of independent claim 15. Therefore, Applicant respectfully requests reconsideration of dependent claims 2, 4, 7-13, 16-20, and 22 and requests the withdrawal of the rejection.

Conclusion

Applicant has reviewed the other references of record and believes that Applicant's claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

To the extent an extension of time is needed for consideration of this response,

Applicant hereby request such extension and, the Commissioner is hereby authorized

to charge deposit account number 502117 for any fees associated therewith.

Dated: March 10, 2008   Respectfully submitted,
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